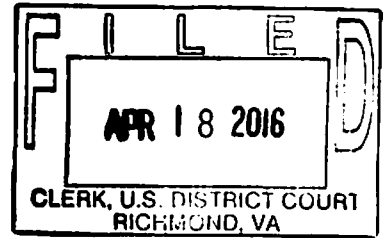


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JOSEPH BOWLER,

Plaintiff,

v.

Civil Action No. 3:15CV79

GREENSVILLE CC CORRECTIONAL OFFICERS,

Defendants.

MEMORANDUM OPINION

Joseph Bowler, a Virginia inmate, submitted this action and requested leave to proceed in forma pauperis. The pertinent statute provides:

In no event shall a prisoner bring a civil action [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). By Memorandum Order entered on June 10, 2015, after reviewing Bowler's affidavit in support of his request to proceed in forma pauperis, the Court granted Bowler leave to proceed in forma pauperis.

In his affidavit in support of his request to proceed in forma pauperis, Bowler was directed to "list all of [his] prior cases that were dismissed as frivolous, malicious or failed to

state a claim upon which relief could be granted" (ECF No. 3, ¶ 6.) Bowler responded, "NONE." (Id.) Further research revealed that answer was blatantly false. "Court records indicate that Bowler has filed at least three prior civil actions, in forma pauperis, that were dismissed as malicious, frivolous, or for failure to state a claim." Bowler v. Ray, No. 7:07-CV-00288, 2007 WL 1725354, at *1 (W.D. Va. June 13, 2007) (citations omitted). Accordingly, by Memorandum Order entered on March 22, 2016, the Court directed Bowler, within eleven (11) days of the date of entry thereof, to show cause why the action should not be dismissed based on his dishonesty in his in forma pauperis affidavit. See Mathis v. Smith, 181 F. App'x 808, 808 (11th Cir. 2006).

More than eleven (11) days have elapsed since the entry of the March 22, 2016 Memorandum Order and Bowler has not responded. Accordingly, given Bowler's dishonesty, the Court will deny Bowler's request to proceed in forma pauperis. The June 10, 2015 Memorandum Order granting Bowler leave to proceed in forma pauperis will be vacated.

The Court will dismiss the action because Bowler has not paid the full filing fee. The Clerk will be directed to refund to Bowler any funds submitted toward the payment of the filing fee.

The Clerk is directed to send a copy of the Memorandum Opinion to Bowler.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Date: *April 15, 2016*
Richmond, Virginia